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10 **IN THE UNITED STATES BANKRUPTCY COURT**  
11 **DISTRICT OF NEVADA**

12 In re:  
13  
14 ELKO GOLD MINE,  
15 Debtor.

16 Case No. BK-11-50084-BTB  
17 Chapter 11

18  
19 **MOTION OF BEST WESTERN INTERNATIONAL, INC., FOR ORDER**  
20 **DIRECTING PAYMENT OF CURE AMOUNT**

21 Best Western International, Inc. (ðBest Westernö), a creditor and interested party  
22 herein, hereby moves the Court pursuant to 11 U.S.C. § 362(d) to enter an Order herein  
23 directing Debtor and Debtorðs counsel to pay to Best Western sufficient funds to cure all  
24 delinquent accounts owed pursuant to the Best Western Membership Agreement, together  
25 with interest and fees. In support of this Motion, Best Western states as follows:

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27 1. Debtor filed its petition for relief herein on January 10, 2011.  
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29 2. On April 20, 2011, the Debtor filed a motion seeking to assume the Best  
30 Western Membership Agreement. The Court on April 22, 2011 (order entered June 20,  
31 2011, Dkt. # 111), granted Debtorðs motion to assume the membership agreement effective  
32 April 22, 2011, conditioned upon the Debtor continuing to make all post-petition payments

1 owed to Best Western, and that Debtor deposit sufficient funds into a segregated trust  
2 account to cure all delinquent amounts, including interest and attorney& fees, not later than  
3 June 23, 2011. At that time, the hearing on Debtor&s Disclosure Statement was scheduled  
4 for June 23, 2011.

5 3. On June 23, 2011, Debtor deposited \$125,000.00 in its counsel&s trust account  
6 for the purpose of providing for cure of the Best Western Membership Agreement.

7 4. Subsequent to the deposit of such funds in counsel&s trust account, these  
8 proceedings have been repeatedly delayed, with the hearing on Debtor&s disclosure  
9 statement having been twice postponed, and currently scheduled for July 29, 2011.

10 5. Section 365 of the Bankruptcy Code requires that as a condition of  
11 assumption of executory contracts, the Debtor must cure all monetary defaults of the  
12 agreement at the time of assumption, or provide adequate assurance that the Debtor will  
13 promptly cure such defaults.

14 6. Though the required deposit of such funds in counsel&s trust account may be  
15 considered adequate assurance of an intent to cure past defaults, it is now more than 90 days  
16 since the Debtor assumed the membership agreement and its past defaults of the agreement  
17 have not been cured.

18 WHEREFORE, Best Western respectfully requests the Court to enter an Order  
19 directing Debtor and its counsel to pay such funds as are necessary to cure all past defaults  
20 of the Best Western Membership Agreement, including the payment of interest and  
21 attorney& fees, and for such other relief as the Court deems appropriate.

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2 Dated this 29th day of July, 2011.  
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By: /s/ Michael G. Helms

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## **CERTIFICATE OF SERVICE**

I certify that on July 29, 2011, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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